REMARKS

Entry of this Amendment and reconsideration are respectfully requested in light of the remarks made herein.

Claims 1-21 are pending and stand rejected.

Claims 1-21 are rejected under 35 USC§102(e) as being anticipated by Sethuraman (USP No. 6,434,196). It is the examiner's position that Sethuraman discloses each and every element recited in the claims.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims.

Sethuraman, as read by the applicant, teaches a method and apparatus for encoding a video information stream to produce an encoded information stream according to a group of frames (GOP) information structure. In one aspect the encoding method includes an encoder, a controller, for adapting the information structure in response to an inter-frame information discontinuity, and a pre-processor for identifying and generating an indicium of the inter-frame information discontinuity. Sethuraman teaches that the information in the bit stream may vary because of the discontinuity information and uses the controller module to controls the bit rate of the output information stream by an appropriate utilization level of an output buffer. The appropriate utilization level of the transmitter output buffer is designed to prevent problems in a receiving system caused by the varying bit rate. (See col. 9, lines 36-41, "[An] important task of the rate control module is to insure that the bit stream produced by the encoder does not overflow or underflow an input buffer in a decoder (e.g., within a receiver or target storage device, not shown) receiving a transmission comprising the output information stream."). Also included in the encoding structure described for encoding the video stream are components that are able to "decode" portions of the encoded bit stream to allow for motion compensation. (see col. 35, lines 45-49).

However, Sethuraman fails to teach an apparatus in a receiver for decoding an encoded video stream or a circuit for measuring from the received bit stream at least one characteristic of the received bit stream and a processor responsive to a characteristic associated with the measured characteristic a level of decoding, as is recited in the claims.

In rejecting the claims, the examiner has referred to specific statements (col. 35, lines 40-58, col. 9, lines 35-54, col. 8, lines 40-65, col. 4, lines 20-35, col. 9, lines 7-35 and col. 9, lines 46-56) in the cited reference that the examiner believes are the same as the claimed elements. However, a careful reading of each of the referred-to statements fails to show the elements recited in the claims. For example, the statements in col. 35 refer to components in the encoding system "generally known as an 'embedded decoder.'" However, there is no teaching in Sethuraman that the system is a decoding system. Rather the embedded decoder is a standard feature in encoding systems used to partially decode an encoded video stream to obtain an analog representation of the encoded bit stream to be used for motion compensations. Similarly, the statements in cols. 8 and 9 describe in detail the encoder rate controller, which as discussed above is used to provide a constant bit rate that prevents the receiving system buffers from overflowing or underflowing. Also, statements in col. 4 describe an encoder scene change detector that generates a signal to inform the encoder that a discontinuity has occurred.

A reading of the independent claims further reveals that Sethuraman teaches an encoding system. For example, claims 1, 2, and 4 each recite "[a]n encoding system," and claim 14 recites "[a] method for encoding."

Accordingly, other than the reference to the well-known "embedded decoder," Sethuraman fails to teach a decoding system that measures at least one characteristic of a received bit stream and a load controller that controls a level of decoding responsive to a video parameter associated with the measured one characteristic.

Thus, Sethuraman fails to teach subject matter recited in claim 1 and cannot be said to anticipate claim 1 as Sethuraman does not disclose each and every element claimed.

For at least the remarks made herein, applicant respectfully submits that the reason for the examiner's rejection of the claim has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claim 9, this claim recites a video receiver implementing the apparatus recited in claim 1. This claim has been rejected by the examiner citing the same reference used in rejecting claim 1. Accordingly, for the remarks made in response to the examiner's rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claim 9, applicant submits that the examiner's rejection of claim 9 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claim 17, this claim recites method steps incorporated into a video receiver similar to those recited in claim 1. This claim has been rejected by the examiner citing the same reference used in rejecting claim 1. Accordingly, for the remarks made in response to the examiner's rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claim 17, applicant submits that the examiner's rejection of claim 17 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 2-8, 10-16, and 18-21, these claims depend from independent claims 1, 9 and 17, which have been shown to be patently distinguishable and allowable over the cited reference. Accordingly, claims 2-8, 10-16, and 18-21 are also allowable by virtue of their dependence from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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